

Exhibit A

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Attorneys for Plaintiff and the Alleged Classes

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

ABANTE ROOTER AND PLUMBING,
INC., individually and on behalf of all others
similarly situated,

Plaintiff,

v.

TOTAL MERCHANT SERVICES, LLC, a
Delaware limited liability company,

Defendant.

Case No. 3:19-cv-05711-EMC

**DECLARATION OF TAYLOR T.
SMITH IN SUPPORT OF
PLAINTIFF'S MOTION FOR
EXTENSION OF ALL REMAINING
DEADLINES**

Date: TBD

Time: TBD

Judge: Hon. Edward M. Chen

Courtroom: 5

Complaint Filed: September 11, 2019

I, Taylor T. Smith, declare as follows:

1. I am an associate attorney with the law firm Woodrow & Peluso, LLC and an attorney of record for Plaintiff Abante Rooter and Plumbing, Inc. ("Plaintiff" or "Abante").

2. I certify that Plaintiff's counsel conferred with counsel for Defendant Total Merchant Services, LLC ("Defendant" or "TMS") regarding the requested extension. TMS does not oppose the requested extension.

3. On September 11, 2019, Plaintiff filed the instant action against Defendant alleging wide-scale violations of the Telephone Consumer Protection Act, 47 U.S.C. § 227, *et seq.* ("TCPA" or "Act"). (Dkt. 1.)

1 4. During the October 22, 2020 case management conference, the Court limited
2 discovery to the following: narrowly tailored written discovery; the depositions of Plaintiff,
3 Defendant, Christopher Judy (“Judy”), and Triumph Merchant Solutions, LLC (“Triumph”); and
4 the inspection of Triumph’s dialing system. (Dkt. 68.) The Court also Ordered expert disclosures
5 due on January 11, 2021 and all expert discovery to be completed by February 26, 2021. (*Id.*)

6 5. Currently, the following deadlines remain:

- 7 a. Expert Disclosure Deadline: January 11, 2021;
- 8 b. Deadline to Complete Discovery: February 26, 2021;
- 9 c. Plaintiff’s Motion for Class Certification: February 11, 2021;
- 10 d. Defendant’s Opposition to Class Certification: March 11, 2021;
- 11 e. Plaintiff’s Reply in support of Class Certification: March 18, 2021; and
- 12 f. Hearing on Motion for Class Certification and Further Case Management
13 Conference: April 15, 2021, at 1:30 p.m.

14 6. After the conference, Plaintiff’s counsel conferred with counsel for TMS,
15 Triumph, and Judy regarding available dates for depositions as well as an inspection of Triumph’s
16 dialing system.

17 7. After conferring with Judy’s counsel, Plaintiff and TMS agreed to schedule the
18 deposition for December 8, 2020. On December 1, 2020, counsel for Judy informed Plaintiff that
19 he is not available on December 8, 2020. Judy provided additional dates in late-December and
20 early-January. Counsel for Plaintiff and TMS are conferring regarding rescheduling the
21 deposition.

22 8. Plaintiff, TMS, and Triumph agreed to schedule Triumph’s deposition for
23 December 10, 2020 to occur via videoconference. The Parties agreed that a physical inspection of
24 Triumph’s dialing system would occur after the deposition.

25 9. The Parties also agreed to schedule the 30(b)(6) depositions of Plaintiff and
26 Defendant after Triumph’s and Judy’s depositions in January 2021.

1 foregoing is true and correct. Executed on December 7, 2020, in Denver, Colorado.

2
3 By: /s/ Taylor T. Smith.

4 Taylor T. Smith*

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